

Draft

PERMIT

Permit No: 200903764-MG

Municipality: Town of Waterford

Work Area: Niantic River off property located at 155 Oswegatchie Road

Permittee: Evangeline DeRosa Irrevocable Trust
c/o Ann DeRosa
155 Oswegatchie Road
Waterford, CT 06385

Pursuant to section 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to retain existing structures, remove an existing timber deck, relocate existing stone riprap for shoreline flood and erosion control and to construct a fixed pile and timber pier, ramp and floating dock for private recreational boating as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Niantic River off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application, #200903764-MG including eight (8) sheets of plans dated August 31, 2009, Figure 8 of 8 revised December 8, 2009, submitted by the Permittee to the Commissioner and attached hereto as follows:

1. retain existing structures consisting of:
 - a. a 4½' wide by 9' long timber stairs;
 - b. a 1½' wide by 1' high by 125' long stone seawall;
 - c. a 4' wide by 5' long stone steps;
 - d. a 5½' wide by 1' high by 40' long stone groin;
 - e. a 5' wide by 49' long two-tiered concrete pad;

2. remove an existing 10' wide by 16' long timber deck and a timber ramp;
3. relocate existing stones to a location landward of the high tide line; and
4. construct a 4' wide by 53' long fixed pile and timber pier with railings, a 3' wide by 26' long ramp with railings to an 8' wide by 20' long floating dock secured with three (3) restraint piles, including one batter pile and two (2) tie-off piles.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
3. The Permittee shall remove the timber deck authorized to be removed in the SCOPE OF AUTHORIZATION, paragraph 2., above, shall be conducted within ninety (90) days of the date of issuance.
4. The Permittee shall ensure that the installation of the fixed pier and restraint piles authorized herein shall be conducted by a water-based barge only during periods of high water in the area of the proposed dock. Any such barge must move to deeper waters during periods of low water in the area of the proposed dock and at no time shall the barge rest on the bottom. It shall not be a defense to this provision for the Permittee to assert that it has no control over the operation of the barge.
5. The Permittee shall remove the ramp and float authorized herein no later than November 15th of any calendar year and shall not install such ramp and float before April 15th of any calendar year. Upon removal of the ramp and float authorized herein, the Permittee shall store such structures at an upland location, landward of the high tide line and outside of any wetlands.
6. The Permittee shall install and maintain the float stops or skids on the floating dock authorized herein in optimal condition for the life of the floating dock.
7. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
8. All work authorized in the SCOPE OF AUTHORIZATION paragraphs 2. and 3., above, shall be conducted using hand-held equipment during periods of low water.

9. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address (es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
10. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the General Statutes.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three (3) days prior to the commencement of such work and no later than seven (7) days after the completion of such work.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.

7. In undertaking the work authorized herein, the Permittee shall not cause or allow pollution of tidal wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by section 22a-423 of the General Statutes.
8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
13. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.

14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event that the Permittee becomes aware that she did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
17. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
18. The issuance of this permit does not relieve the Permittee of her obligations to obtain any other approvals required by applicable federal, state and local law.
19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey Wingfield
Bureau Chief
Bureau of Water Protection and Land Reuse

Permit #200903764-MG, Waterford
Evangeline DeRosa Irrevocable Trust

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

**TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127**

PERMITTEE: Evangeline DeRosa Irrevocable Trust
c/o Ann DeRosa
155 Oswegatchie Road
Waterford, CT 06385

Permit No: #200903764-MG, Waterford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

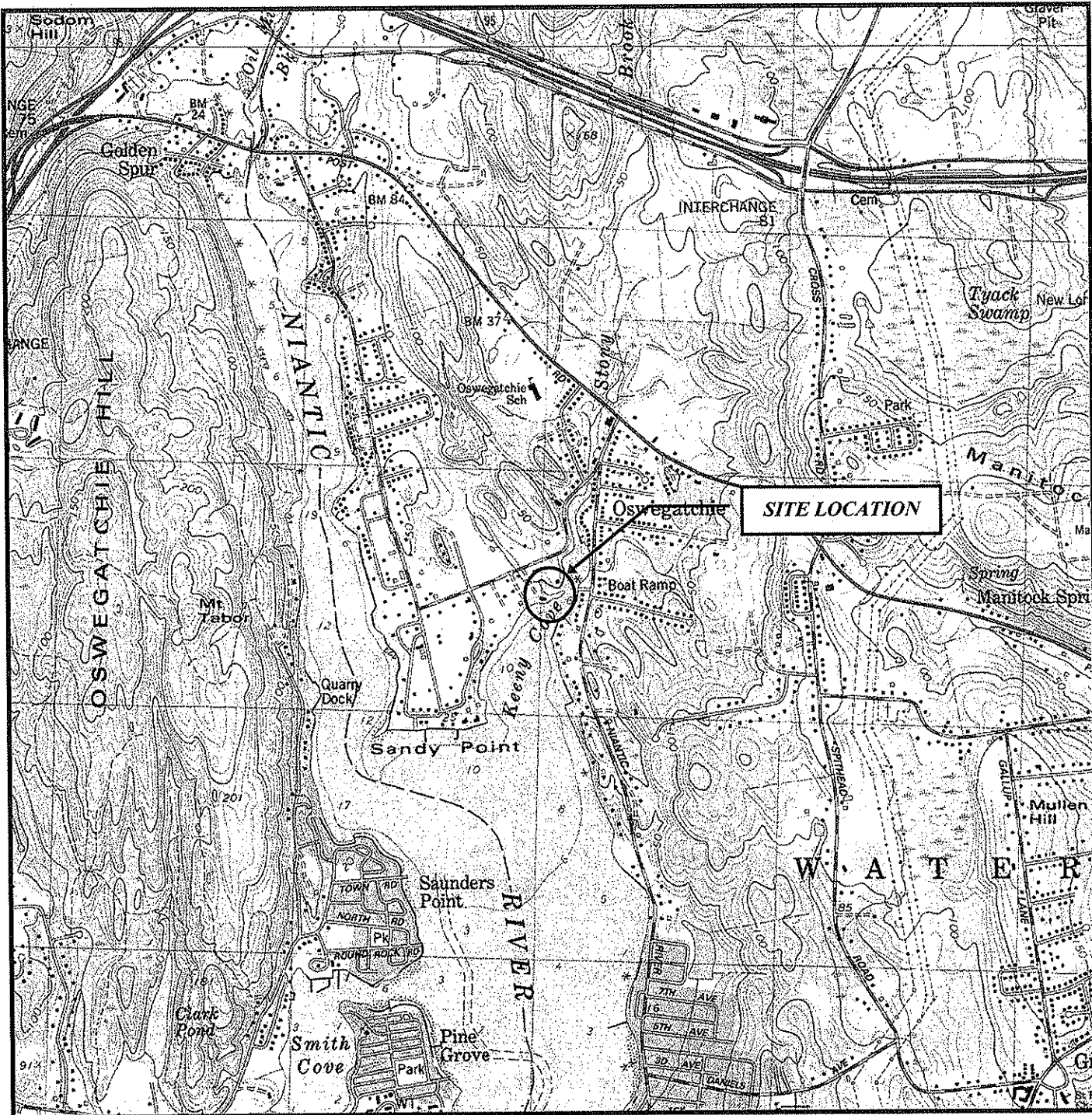
Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)



SCALE 1 = 12,000

NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 8 OF 8.

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FIGURE 1 OF 8
SITE LOCATION MAP

DEROSA PROPERTY
155 OSWEGATCHIE ROAD
WATERFORD, CONNECTICUT

AUGUST 31, 2009

FILE NO.: 08-113

KEENEY

COVE

OYSTER
POND

SITE

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FIGURE 2 OF 8
SITE PLAN VIEW

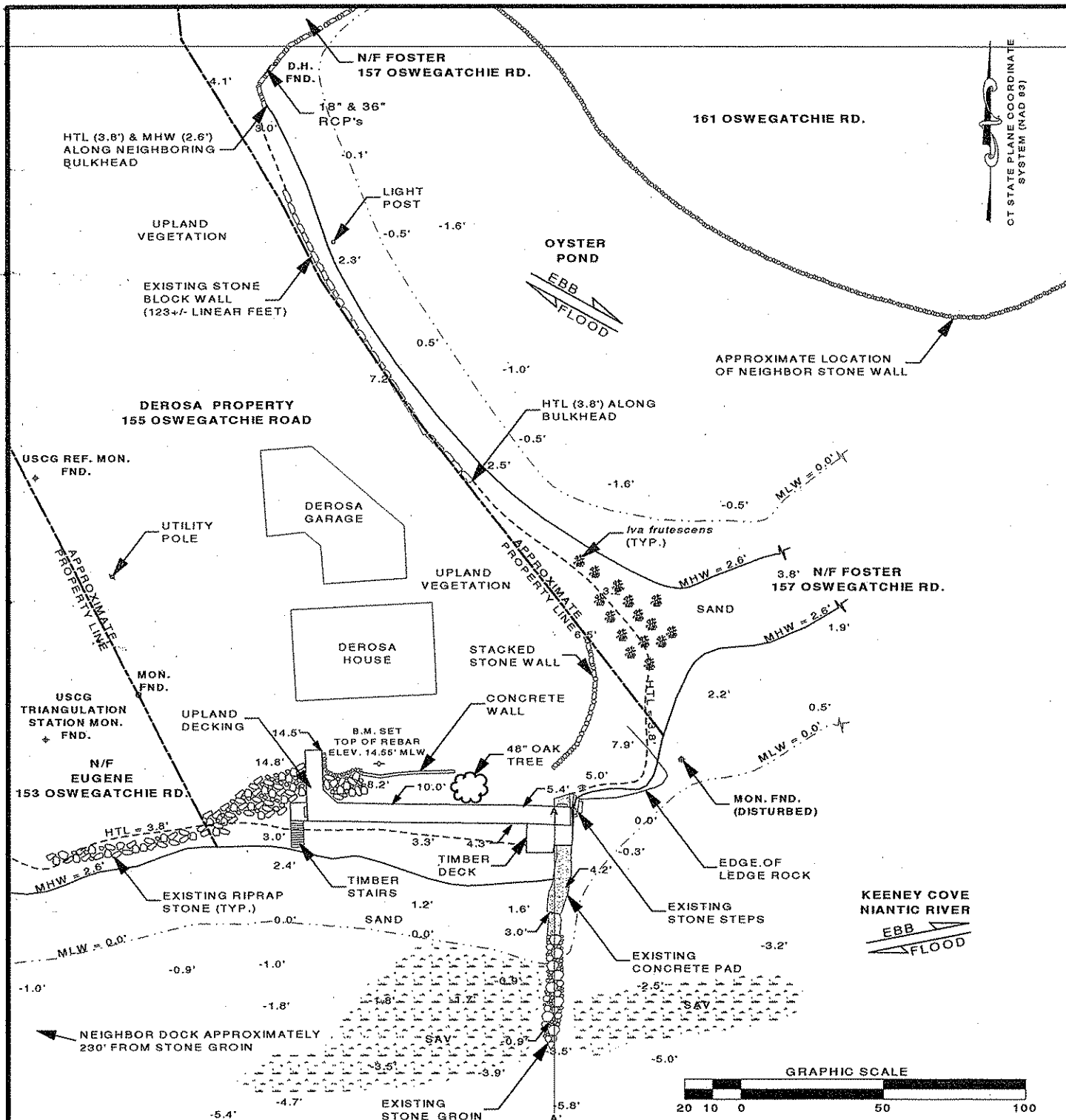
DEROSA PROPERTY
155 OSWEGATCHIE ROAD
WATERFORD, CONNECTICUT

AUGUST 31, 2009

SCALE: 1" = 100'



NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 8 OF 8.



CT STATE PLANE COORDINATE
SYSTEM (NAD 83)

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON.

Constance M. Culliney
CONSTANCE M. CULLINEY, L.S. Lic. No. 70201

MAP NOT VALID WITHOUT A LIVE
SIGNATURE AND EMBOSSED SEAL

- MLW - MEAN LOW WATER
- MHW - MEAN HIGH WATER
- HTL - HIGH TIDE LINE
- 1.2' - SOUNDING
- D.H. - DRILL HOLE
- B.M. - BENCHMARK
- MON. - MONUMENT
- SAV - SUBMERGED AQUATIC VEGETATION
- RCP - REINFORCED CONCRETE PIPE

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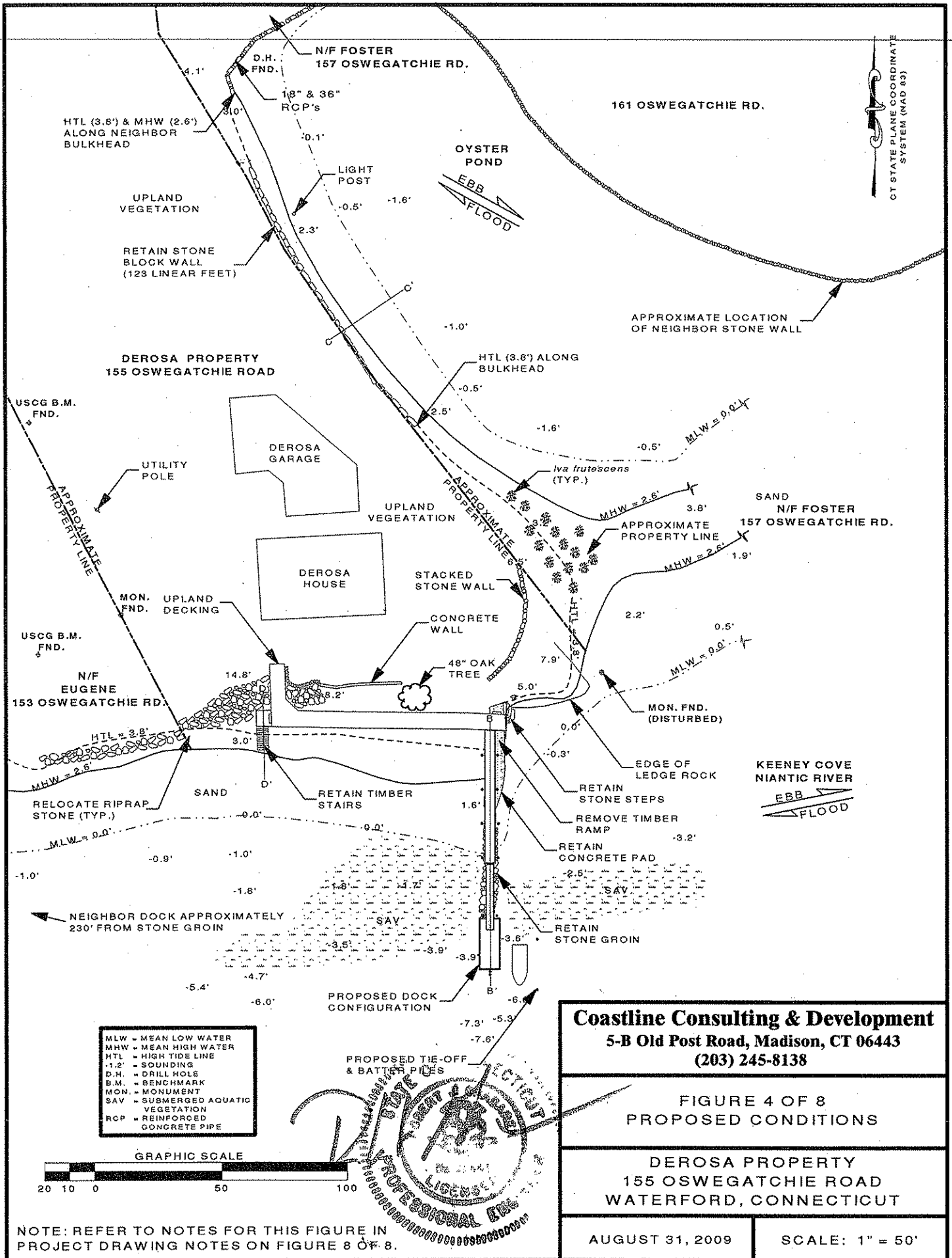
FIGURE 3 OF 8
TOPOGRAPHIC SURVEY
EXISTING CONDITIONS

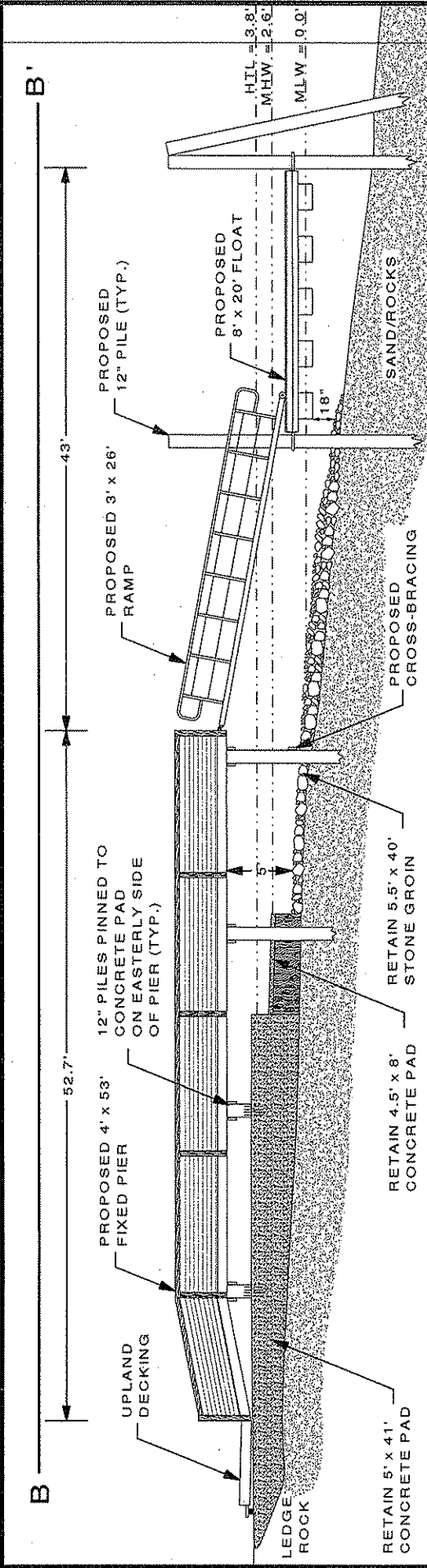
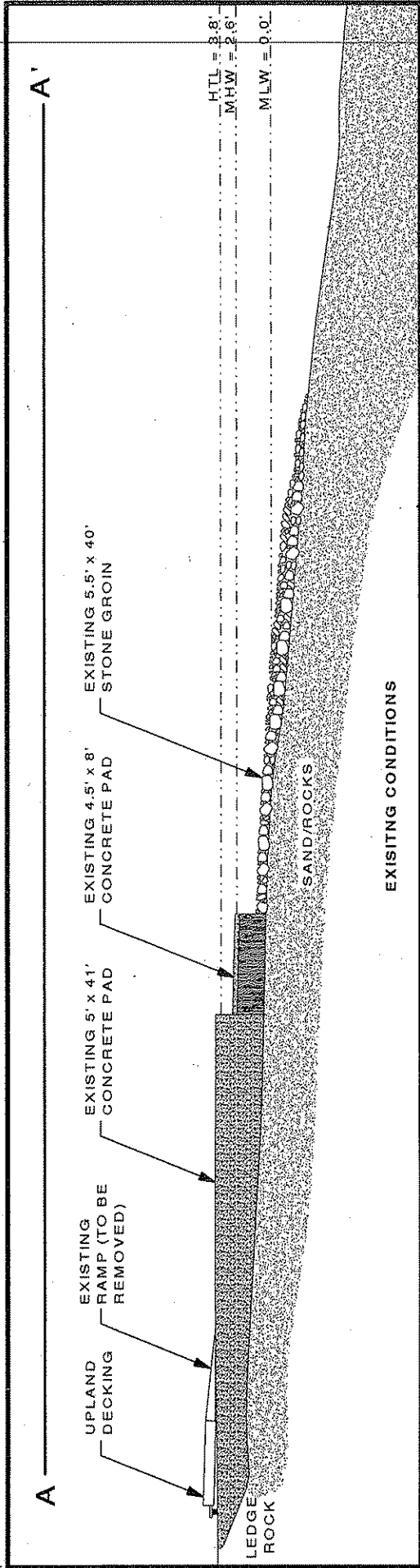
DEROSA PROPERTY
155 OSWEGATCHIE ROAD
WATERFORD, CONNECTICUT

NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 8 OF 8.

AUGUST 31, 2009

SCALE: 1" = 50'





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FIGURE 5 OF 8
 CROSS SECTION A - A' & B - B'

DEROSA PROPERTY
 155 OSWEGATCHIE ROAD
 WATERFORD, CONNECTICUT

AUGUST 31, 2009 SCALE: 1" = 12'

PROPOSED CONDITIONS

GRAPHIC SCALE
 0 12 24

NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 8 OF 8.

C

C'

RETAIN 1.5' x 123'
STONE BLOCK BULKHEAD

UPLAND
SOILS

SAND

HTL = 3.8'

MHW = 2.6'

MLW = 0.0'

GRAPHIC SCALE



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FIGURE 6 OF 8

CROSS SECTION C - C'

DEROSA PROPERTY
155 OSWEGATCHIE ROAD
WATERFORD, CONNECTICUT

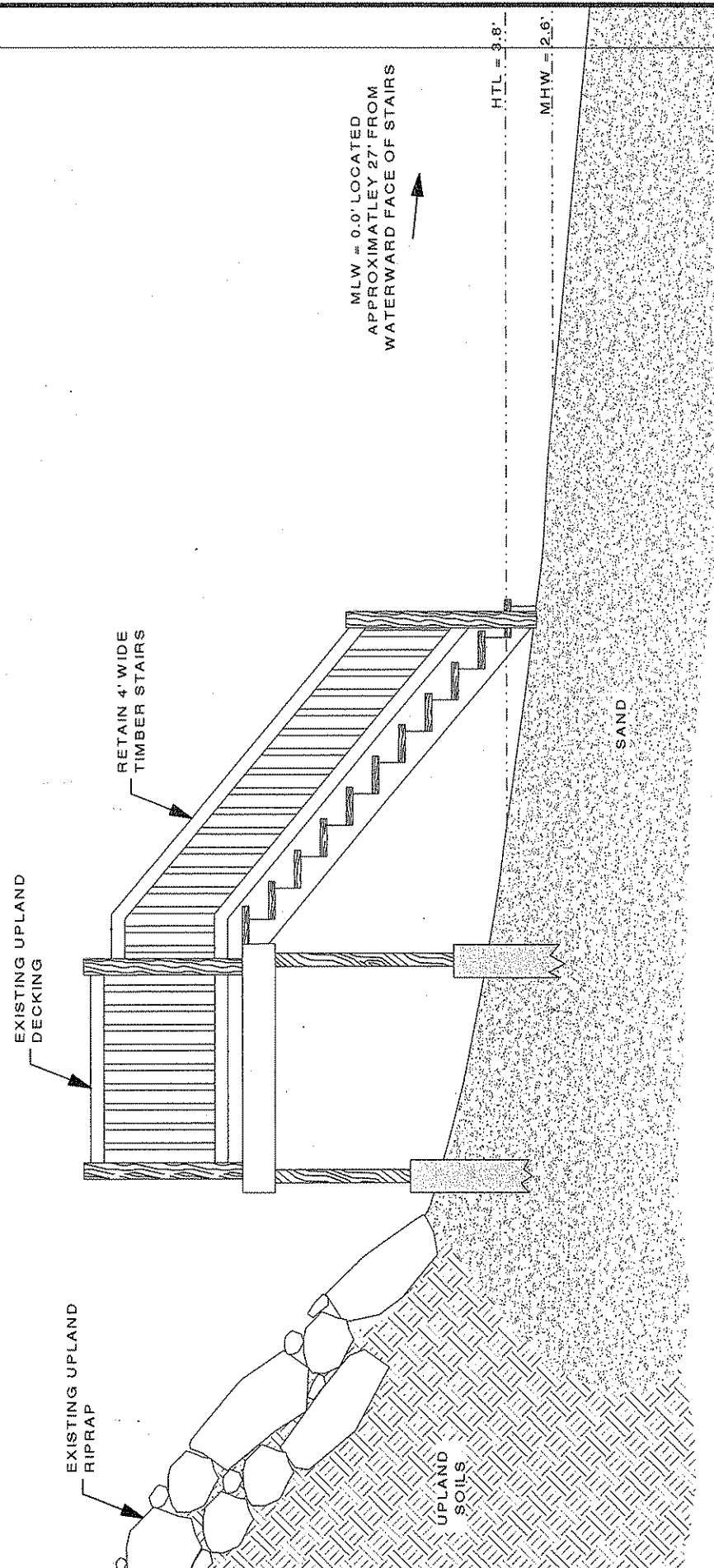
AUGUST 31, 2009

SCALE: 1" = 4'



NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 8 OF 8.

D' _____ D'



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FIGURE 7 OF 8 CROSS SECTION D - D'	
DEROSA PROPERTY 155 OSWEGATCHIE ROAD WATERFORD, CONNECTICUT	
AUGUST 31, 2009	SCALE: 1" = 4'



NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 8 OF 8.

PROJECT DRAWING NOTES

FIGURE 1 OF 8 - SITE LOCATION MAP

1. MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE NIAN TIC, CONNECTICUT QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984). SCALE: 1" = 12,000.

FIGURE 2 OF 8 - SITE PLAN VIEW

1. THE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON WATERFORD, CT ASSESSOR MAP #115 AND FIELD OBSERVATIONS.

FIGURE 3 OF 8 - TOPOGRAPHIC SURVEY/EXISTING CONDITIONS

1. A. THIS MAP/SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON SEPTEMBER 26, 1996, AND THE "GUIDELINES AND SPECIFICATIONS FOR GLOBAL NAVIGATION SATELLITE SYSTEM LAND SURVEYS IN CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON JUNE 26, 2008
B. THE TYPE OF SURVEY IS A "TOPOGRAPHIC SURVEY" INTENDED TO DEPICT THE ELEVATIONS AND LOCATIONS OF CERTAIN EXISTING SITE & COASTAL IMPROVEMENTS AND FEATURES. FIELD MEASUREMENTS WERE COLLECTED ON 11/10/08, 11/12/08, 11/18/08, & 6/12/09.
C. THE TOPOGRAPHICAL ACCURACY CONFORMS TO "CLASS T-2".
2. REFERENCE IS MADE TO THE FOLLOWING MAPS/DOCUMENTS:
A. AN A-2 SURVEY TITLED "PROPERTY SURVEY PREPARED FOR EVANGELINE DEROSA IRREVOCABLE TRUST" 155 OSWEGATCHIE ROAD, WATERFORD, CT, DATED JUNE 26, 2009, SCALE 1" = 30', AND PREPARED BY MILONE & MACBROOM.
B. WATERFORD ASSESSOR MAP #115.
3. BENCHMARK, TIDE LINES, SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88 VERTICAL DATUM USING NOAA TIDE STATION # 8461490 (1983-2001 EPOCH) AND CDOT HIL DATA (1983-2007) FOR NEW LONDON, CT.
4. THIS MAP IS FOR PLANNING AND PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR FILING ON LAND RECORDS IN TOWN OR CITY CLERK'S OFFICE. THE PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING AND DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.


CONSTANCE M. CULLINEY, L.S. Lic. No. 70201

FIGURES 4, 5, 6, & 7 OF 8 - PROPOSED CONDITIONS & CROSS-SECTIONS

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 11/10/08, 11/12/08 & 11/18/08, AND OTHER SOURCES. THEY ARE NOT TO BE CONSTRUED AS PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEYS.
2. REFERENCE IS MADE TO THE FOLLOWING APPLICATION DRAWINGS:
A. FOR FIGURE 4 OF 8: "FIGURE 3 OF 8, EXISTING CONDITIONS, TOPOGRAPHIC SURVEY. DEROSA PROPERTY, 155 OSWEGATCHIE ROAD, WATERFORD, CONNECTICUT" PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
B. FOR FIGURE 5, 6, & 7 OF 8: "FIGURE 3 OF 8, EXISTING CONDITIONS, TOPOGRAPHIC SURVEY. DEROSA PROPERTY, 155 OSWEGATCHIE ROAD, WATERFORD, CONNECTICUT" AND "FIGURE 4 OF 8, PROPOSED CONDITIONS. DEROSA PROPERTY, 155 OSWEGATCHIE ROAD, WATERFORD, CONNECTICUT" PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
3. SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88.
4. THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.

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FIGURE 8 OF 8
PROJECT DRAWING NOTES

DEROSA PROPERTY
155 OSWEGATCHIE ROAD
WATERFORD, CONNECTICUT

AUGUST 31, 2009
REV. DEC. 8, 2009

FILE NO.: 08-113